

REGULAR MEETING

October 11, 1999

The Regular Meeting of the Annapolis City Council was held on October 11, 1999 in the Council Chamber. Mayor Johnson called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke, Human Resources Director Milburn

Alderman Fox moved to approve the Minutes of September 13, 1999 and September 27, 1999 and to open the Closed Minutes of September 27, 1999 to the public. Seconded. CARRIED on voice vote.

Mayor Johnson and Human Resources Director Milburn presented Deputy Chief Charles W. Smith of the Fire Department with the Longest Serving Employee Award.

Mayor Johnson announced the parking meter fees in the City of Annapolis would be waived from November 26, 1999 through January 3, 2000.

PETITIONS, REPORTS AND COMMUNICATIONS

Alderman McMillan moved to limit the petition, report or communication of any person who spoke previously on O-19-99 to two minutes. Seconded. CARRIED on voice vote.

1. Rev. Leroy Bowman
31 W. Washington Street
Annapolis, Md. 21401

Spoke on O-19-99.

2. Dwight Sullivan, Esquire
ACLU of Maryland
2219 St. Paul Street
Baltimore, Md. 21218

Spoke on O-19-99.

3. Harold Lloyd
72 Southgate Avenue
Annapolis, Md. 21401

Spoke on O-19-99.

4. Robert Eades
144 O'Bery Court
Annapolis, Md. 21401

Spoke on O-19-99.

5. Parris Lane
72 Southgate Avenue
Annapolis, Md. 21401

Spoke on O-19-99.

6. Cliff Myers
8 Acton Place
Annapolis, Md. 21401

Spoke on O-24-99.

BUSINESS AND MISCELLANEOUS

Pursuant to City Code Section 2.04.020, the City Attorney requested the Council to summons a witness in a civil proceeding.

Alderman Gilmer recused himself due to a possible conflict of interest.

Alderman Sachs moved to issue the summons pursuant to City Code Section 2.04.020. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

ORDINANCES

O-12-99 For the purpose of revising and updating the Fire Prevention Code of the City of Annapolis; deleting from the Fire Prevention Code requirements related to the removal of underground tanks (to be transferred to Chapter 17.22); requiring a sprinkler contractors license; providing that certain appeals shall be taken and certain penalties shall be assessed under the State of Maryland Fire Prevention Code rather than this Code; transferring certain authority from the Department of Public Works to the Department of Planning and Zoning; and all matters relating to the Fire Prevention Code.

There being no voiced objection, action on O-12-99 was postponed.

O-13-99 For the purpose of transferring the position of Harbor Master and its duties to the Department of Central Services; and all matters relating to said Harbor Master.

There being no voiced objection, action on O-13-99 was postponed.

O-16-99 For the purpose of establishing that certain fees and charges shall be set by resolution of the City Council; deleting certain out-dated provisions that apply to fees that are no longer charged; deleting references in the City Code to certain fees that will be included in a fee schedule resolution; establishing certain new fees and charges; and all matters relating to said fees and charges.

There being no voiced objection, action on O-16-99 was postponed.

O-17-99 For the purpose of revising and transferring certain duties of the Public Works Department and the Planning and Zoning Department; correcting references to duties of the City Clerk which are currently handled by other directors; revising duties of the Central Services Officer; and all matters relating to said departments.

There being no voiced objection, action on O-17-99 was postponed.

O-19-99 For the purpose of enacting a new Section 11.12.067, prohibiting loitering for drug-related activity; and all matters relating to said loitering prohibitions.

Alderman McMillan moved to substitute O-19-99 Revised for O-19-99. Seconded. CARRIED on voice vote.

Alderman McMillan moved to adopt O-19-99 Revised on second reading. Seconded.

The Public Safety Committee reported unfavorably on O-19-99 Revised.

Alderman McMillan moved to amend O-19-99 Revised as follows:

On page 2, line 4 immediately following "probation" insert "after verdict".

Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken on the main motion as amended:

YEAS: Mayor Johnson, Aldermen Hammond, Sachs, McMillan, Fox
NAYS: Aldermen Tolliver, Gilmer, Carter, Moyer
CARRIED: 5-4

Alderman Sachs moved to adopt O-19-99 Revised as amended on third reading. Seconded. CARRIED on voice vote.

O-20-99 For purpose of authorizing the lease of certain municipal property located at the City Dock to Chesapeake Bay Foundation, Inc. for the purpose of docking and mooring the vessel known as "Stanley Norman"; and all matters relating to said lease.

There being no voiced objection, action on O-20-99 was postponed.

O-21-99 For the purpose of establishing certain requirements pertaining to petroleum storage facilities; establishing that fees related to such facilities shall be set by resolution; establishing enforcement and appeals procedures related to such facilities; transferring certain authority to the Department of Planning and Zoning; and all matters relating to said petroleum storage facilities.

There being no voiced objection, action on O-21-99 was postponed.

O-22-99 For the purpose of authorizing the lease of certain municipal property located at the City Dock to Berkshire Castaways, Inc. for the purpose of docking and mooring the vessel known as "Half Shell"; and all matters relating to said lease.

There being no voiced objection, action on O-22-99 was postponed.

O-24-99 For the purpose of revising the water and sewer rates for the City of Annapolis; and all matters relating to said water and sewer rates.

There being no voiced objection, action on O-24-99 was postponed.

O-26-99 For the purpose of eliminating fingerprinting for applicants of a new or transfer of an existing alcoholic beverage license; and all matters relating to said fingerprinting requirement.

There being no voiced objection, action on O-26-99 was postponed.

- O-27-99 For the purpose of establishing that exempt service positions shall accumulate annual leave in the same manner as civil service positions; making a technical correction to the section referenced in Sec. 3.08.040; and all matters relating to said leave.**

There being no voiced objection, action on O-27-99 was postponed.

- O-36-99 For the purpose of conveying, by deed, a certain portion of a street known as Cove Road in the City of Annapolis, by the City to VYTAR Associates whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; providing for the conveyance by VYTAR Associates to the City of a certain right-of-way on Primrose Road to the City; and all matters relating to said deeds.**

Alderman Hammond moved to adopt O-36-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

- O-40-99 For the purpose of authorizing the police chief to sell at public auction all lost abandoned, unclaimed, forfeited, or stolen bicycles remaining in the possession of the police department for a period of three months; and all matters relating to said public auction.**

Alderman Hammond moved to adopt O-40-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-43-99 For the purpose of authorizing the City Council to lease certain municipal property and to provide City services to USinternetworking, Inc. ("USi"), for a certain period of time on December 31, 1999 to January 1, 2000, subject to certain terms, provisions, and conditions, for the purpose of conducting a New Year's Eve celebration; and all matters relating to said lease.**

Alderman Sachs moved to adopt O-43-99 on first reading. Seconded. CARRIED on voice vote.

Alderman Sachs moved to suspend the rules to dispense with the second reading on O-43-99. Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-43-99 on third reading. Seconded. CARRIED on voice vote.

RESOLUTIONS

- R-15-99 For the purpose of approving a permit authorizing First Night Annapolis, Inc. ("First Night"), to use public rights of way in the City of Annapolis for a certain period of time on December 31, 1999 to January 1, 2000, and to receive certain City services for less than full costs subject to certain terms, provisions, and conditions, all for the purpose of conducting an alcohol-free New Year's Eve event; and all matters relating to said celebration.**

Alderman Moyer moved to adopt R-15-99. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Jones Communications of Maryland, Inc. - Programming Changes

Informational briefing pursuant to the "Agreement Concerning Consent to Cable Franchise Transfer" dated April 15, 1997.

David Mothershed, Acting General Manager gave an information briefing regarding programming changes.

2. Finance Committee Recommendations for Action dated 9/29/99

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated 9/29/99. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:55 p.m.

Patricia L. Bembe, CMC/AAE
City Clerk